

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

KENNETH BROWN,

Respondent.

CONFIDENTIAL

Case No. 65,880
(TFB No. 13A83H37)

REPORT OF REFEREE

- I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to the article XI of the Integration Rule of The Florida Bar, a hearing was held on January 17, 1985. The enclosed pleadings, orders, transcripts and exhibits are forwarded to The Supreme Court of Florida with this report, constitute the record in this case.

The following attorneys appeared as counsel for the parties:

For The Florida Bar Diane Kuenzel, for David R. Ristoff

For The Respondent Pro Se

- II. Findings of Fact as to Each Item of Misconduct of Which the Respondent is Charged: After considering all the pleadings and evidence before me, I accept the tendered Conditional Guilty Plea for Consent Judgment which admits to each act of misconduct alleged in the complaint attached hereto.
- III. Recommendation as to Whether or not the Respondent Should Be Found Guilty: I recommend that the respondent be found guilty of the following violations of the Code of Professional Responsibility: That Kenneth Brown has violated Disciplinary Rules 6-101(A)(1) (Handling a legal matter which he knows or should know that he is not competent to handle); DR 6-101(A)(2) (Handling a legal matter without preparation adequate in the circumstances); DR 6-101(A)(3) (Neglecting a legal matter entrusted to him); DR 9-102(B)(3) (Failing to maintain complete records of all funds, securities, and other properties of a client and rendering appropriate accounts to his client regarding them); and DR 9-102(B)(4) (Failing to promptly pay or deliver to the client as requested by a client the funds, securities, and other properties in the possession of the lawyer which the client is entitled to receive).
- IV. Recommendation as to Disciplinary Measures to be Applied: I recommend that the respondent receive a public reprimand with restitution to client, and one year's probation. Probation shall be terminated upon respondent's compliance with the terms of restitution. Restitution shall consist of \$8,500.00 to client, payable as follows: a) \$6,000.00 payable within ten (10) days of January 17, 1985; and b) \$2,500.00 to be paid within six (6) months from January 17, 1985.

V. Personal History and Past Disciplinary Record: After finding of guilt and prior to recommending discipline to be recommended pursuant to Rule 11.06(9)(a)(4), I considered the following personal history and prior disciplinary record of the respondent to wit:

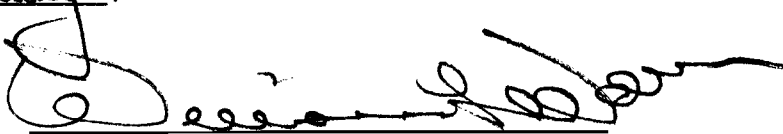
- (1) Age: 38
- (2) Dated Admitted to Bar: November 19, 1976
- (3) The fact that respondent has agreed to make restitution to the client.
- (4) Respondent has no prior disciplinary record.

VI. Statement of Costs and Manner in which Costs Should Be Taxed: I find the following costs were reasonably incurred by The Florida Bar.

A. Grievance Committee Level Costs	
1. Administrative Costs	\$ 150.00
2. Court Reporter Costs	212.97
3. Staff Investigator Costs	276.40
4. Typing Costs	27.00
B. Referee Level Costs	
1. Administrative Costs	\$ 150.00
2. Court Reporter Costs	30.00
3. Bar Counsel Costs	15.30
	<u>\$ 861.67</u>
TOTAL AMOUNT DUE:	

It is apparent that other costs have or may be incurred. It is recommended that all such costs and expenses together with the foregoing itemized costs be charged to the respondent, and that interest at the statutory rate shall accrue and be payable beginning 30 days after the judgment in this case becomes final unless a waiver is granted by The Board of Governors of The Florida Bar.

DATED this 11th day of February, 1985.


HONORABLE WILLIAM L. WALKER

Copies furnished to:
Kenneth Brown, Respondent
David R. Ristoff, Bar Counsel
John T. Berry, Staff Counsel